IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7805 OF 2005

Shri Manoj Motwani & Ors. ...Applicants

Versus

The State of Maharashtra & Anr. ...Respondents

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Mr.Sudeep Pasbola for Applicants.

Mr.V.B.Konde-Deshmukh, A.P.P. for Respondent No.1.

Mr.Rishi Bhuta for Respondent No.2.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 7, 2005.

P.C.

1. Heard Counsel for the parties.

2. Rule. Rule made returnable forthwith, by consent. Mr.Deshmukh, A.P.P. waives notice for Respondent No.1. Mr.Bhuta waives notice for Respondent No.2.

3. As short question is involved, Application

is taken up for final disposal forthwith, by consent.

4. The Respondent No.2 had registered complaint with Khar Police Station against Applicants for offence punishable under Sections 51, 63 and 69 of the Indian Copy Rights Act, 1957 vide F.I.R. No.SPL-18/03 now numbered as CC No. 1309/PS/2004. The said complaint has been investigated and charge-sheet has been filed which criminal action was pending before the 12th Court, Bandra, Mumbai F.I.R. No.SPL-18/03 now transferred to 9th Court, Bandra, Mumbai in CC No.1309/PS/2004.

5. During the pendency of the said criminal action, the Complainant and the Applicants/accused have arrived at consent terms, duly signed by them on 10th December 2003. The Respondent No.1/original complainant has assured that he will not precipitate the matter against he Applicants in view of the agreement reached in that behalf, which is one of the terms of the composite arrangement arrived at in the consent terms between the parties. Thereafter, the authorised officer of the

Respondent No.2 informed the Senior Inspector, Khar Police Station vide letter dated August 11, 2004 that the Respondent No.2 was not interested in precipitating the matter in view of the consent terms arrived at between the parties. The Respondent No.2 has placed on record affidavit of Shri Manoj Sitaram Achrekar, authorised officer of Respondent No.2 sworn on 27th October 2005, reiterating the position that the complainant was not interested in pursuing the criminal action against the Applicants in view of the arrangements arrived at between the parties. It is in this backdrop, present Application has been filed.

6. As mentioned earlier, Respondent No.2/complainant has appeared through Counsel and accepts the stand taken in the present Application on affidavit. In the interest of justice, therefore, as the complainant has no intention to prosecute the criminal action against the Applicants and in particular, because of the consent terms arrived at between the parties and the condition of not pursuing the criminal action being one of the terms of the said composite

arrangement, Application deserves to be allowed in terms of prayer clause (a).

7. Rule made absolute accordingly.

A.M.KHANWILKAR, J.